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TO:

Attention: Office of Petitions
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Commissioner for Patents

FAX NUMBER:

571-273-8300

FROM:

Matthew J. Golden, Patent Director

PHONE NUMBER:

(908) 298-7441

TOTAL NO. OF PAGES INCLUDING COVER

14

DATE

February 13, 2006

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Application No.: 10/643,172
Examiner: Kavanaugh, John T.
In Re Application of Bernard F. Grisoni *et al*
Filed: 08/18/2003
Group Art Unit: 3728
For: Ball of Foot Shoe Inserts
Attorney Docket No.: FC06092-01

Dear Sir/Madam:

Transmitted herewith are:

- Petition for Revival of an Application for Patent Abandoned Unintentionally (SB64)-2 pages
- Statement Pursuant to 37 CFR 1.137(b) - 2 pages
- Amendment - 4 pages
- Petition for Extension of Time (sb22) (3 months) - 1 page **IN DUPLICATE**
- Fee Transmittal (SB17) - 1 page **IN DUPLICATE**
- Certificate of Fax Transmission - 1 page
- Fax Cover Page - 1 page


Matthew J. Golden

Reg. No. 35,161

61252_1.DOC

PHONE: (908) 298-4741

FAX: (908) 298-5388

Docket Number: FC06092-01
Application No: 10/643172
Filing Date: 08/18/2003
First Inventor: GRISONI, Bernard F.

PTO/SB/97 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

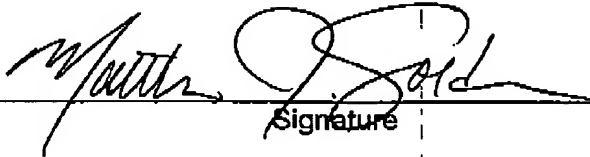
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Certificate of Transmission under 37 CFR 1.8

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on February 13, 2006

Date


Signature

MATTHEW J. GOLDEN

Typed or printed name of person signing Certificate

35161

Registration Number, if applicable

908-298-4741

Telephone Number

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Petition for Revival of an Application for Patent Abandoned Unintentionally (sb64) - 2 pgs.
Amendment - 4 pages Statement Pursuant to 37 CFR 1.137(b) - 2 pages
Fee Transmittal (sb17) - 1 page IN DUPLICATE
Petition for Extension of Time (3 months) - 1 page IN DUPLICATE
Cert. of Fax Transmission - 1 page Fax Cover Page - 1 page

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEB 13 2006

PTO/SB/64 (09-04)

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
EC06092-01

First named inventor: GRISONI, Bernard F.

Application No.: 10/643172

Art Unit: 3728

Filed: 08/18/2003

Examiner: Kavanaugh, John T.

Title: BALL OF FOOT SHOE INSERTS

**Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX 571-273-8300**

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity – fee \$ 1500 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Amendment (identify type of reply):

☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

☐ has been paid previously on _____

☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. Do NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/64 (09-04)

Approved for use through 07/31/2008, OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

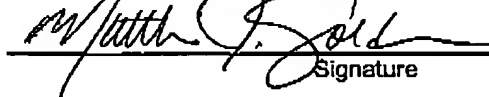
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3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

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Signature

February 13, 2006

Date

MATTHEW J. GOLDEN

Typed or printed name

35161

Registration Number, if applicable

Customer No. 24265

908-298-4741

Address

Telephone Number

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: Cert. of Fax Transmit- 1 pg; Fax cover - 1 pg.

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

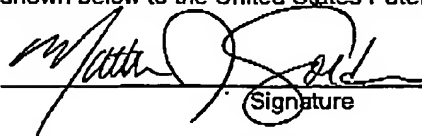
I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as 571-273-8300

Feb. 13, 2006

Date


Signature

Matthew J. Golden

Typed or printed name of person signing certificate

[Page 2 of 2]

FEB 13 2006

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PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0851-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**1500****Complete if Known**

Application Number	10/643172
Filing Date	08/18/2003
First Named Inventor	GRISONI, Bernard F.
Examiner Name	Kavanaugh, John T.
Art Unit	3728
Attorney Docket No.	FC06092-01

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 19-0365 Deposit Account Name: Schering-Plough Corporation

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	Fee (\$)	Fee Paid (\$)
- 20 or HP =	x	=				
HP = highest number of total claims paid for, if greater than 20						
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)			
- 3 or HP =	x	=				
HP = highest number of independent claims paid for, if greater than 3						

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Petition for Revival of Application for Patent Abandoned Unintentionally..

Fees Paid (\$)**1500.00****SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) 35161	Telephone 908-298-4741
Name (Print/Type)	MATTHEW J. GOLDEN		Date February 13, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEB 13 2006
CASE: FC06092-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

-----X
In re Application of: :
Bernard F. Grisoni *et al.* : Examiner: KAVANAUGH, John T.
Serial No.: 10/643,172 : Group Art Unit: 3728
Filing date: 08/18/2003 : Date: February 13, 2006
For: BALL OF FOOT SHOE INSERTS :
-----X

Attention: Office of Petitions
Mail Stop: PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Fax: 571-273-8300

Sir:

STATEMENT PURSUANT TO 37 C.F.R. 1.137(b)

Enclosed herewith are a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. 1.137(b), Amendment, and a Fee Transmittal authorizing the required fees of \$1,500.00 under 37 C.F.R. 1.17(m) and \$1,020.00 under 1.17(a)(3), filed in connection with the above-identified application.

The Amendment is submitted in response to the Office Action dated March 8, 2005. The delay in filing the response was unintentional. On July 29, 2005 applicants filed a continuation-in-part application, U.S. Application Serial No. 11/193,158, claiming the benefit of the subject application. When the continuation-in-part application was filed, the assignee's docketing department mistakenly removed the March 8, 2005 Office Action deadline from the undersigned's docket. Applicants and assignee at no time intended to abandon the subject application in favor of the later continuation-in-part application. The undersigned also notes that a Notice of Abandonment has not been received for the subject application.

CONCLUSION

It is respectfully requested that the Petition be granted and the Amendment entered in the subject application.

If the undersigned can be of assistance in advancing the application, please contact the undersigned at the number set forth below.

Respectfully submitted,



Matthew J. Golden
Reg. No. 35,161

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